

NO. 23304

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MILILANI TOWN ASSOCIATION, a Hawai'i non-profit
corporation, Plaintiff/Counterclaim Defendant-Appellee

vs.

EDGAR HONG WONG LUM, Defendant/Counterclaimant-Appellant

and

HAWAI'I NATIONAL BANK, JOHN DOES 1-10, JANE DOES 1-10,
DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10,
DOE ENTITIES 1-10, and DOE GOVERNMENTAL UNITS 1-10, Defendants

and

EDGAR HONG WONG LUM, Third-Party Plaintiff

vs.

CALVIN MAEDA, PETER ISZARD, DANNY LOGAN, ERIC MATSUMOTO,
DONALD MILLER, GLEN YOSHIMORI, ROSS KAZAMA, ROGER ANCHETA,
DARRLYN BUNDA, RUPERTO ORTIZ, MICHAEL PARK, FAROUK WANG,
and DOE DEFENDANTS 1-100, Third-Party Defendants

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 99-5097)

ORDER DISMISSING APPEAL
(By: Moon, C.J., Levinson,
Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears that: (1) the judgment entered on February 25, 2000 states that the plaintiff's claim for unpaid assessments was voluntarily dismissed, but the voluntary dismissal of that claim is not supported by the record and no voluntary dismissal of that claim was effected pursuant to

HRCP 41(a)(1); (2) the February 25, 2000 judgment purports to be the final judgment on all claims asserted in Civil No. 97-5097, but the judgment does not show finality as to all claims because it does not dismiss or enter judgment on the claim for unpaid assessments, as required by HRCP 58; see Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d 1334, 1339-39 (1994); (3) entry of judgment on the claim for unpaid assessments is not effected by the declaration in the February 25, 2000 judgment that "there are no outstanding claims against any parties;" see Jenkins, 76 Hawai'i at 120 n.4, 869 P.2d at 1339 n.4 ("A statement that declares 'there are no other outstanding claims' is not a judgment."); and, thus, (4) this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, October 26, 2000.